

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALONZO SHAFFER, et al.,

Plaintiffs,

v.

HERTZ RENTAL,

Defendant.

Case No. 1:19-cv-312

HON. JANET T. NEFF

OPINION AND ORDER

Plaintiffs Alonzo Shaffer and Malikah Stevenson filed this *pro se* lawsuit against Hertz Rental. The Magistrate Judge conducted an initial review of the complaint pursuant to 28 U.S.C. § 1915(e)(2), and on April 30, 2019, issued a Report and Recommendation, recommending that the action be dismissed with prejudice because it failed to allege any “facts,” which even if accepted as true, state a claim upon which relief may be granted (ECF No. 7 at PageID.34). The Magistrate Judge noted that to the best she could determine, Plaintiffs’ complaint “involves a rented vehicle, a nest of bees, bees getting inside the vehicle, bee stings, terror, and a discussion of additional events that could have occurred because of the bees but did not in fact occur” (*id.*). No federal statute was implicated on these facts (*id.*).

The matter is presently before the Court on Plaintiffs’ cursory objection to the Report and Recommendation (ECF No. 8), acknowledging that bees came out of a Hertz Rental car passenger door, and merely stating that Hertz Rental has violated their “1st and 4th Amendments” constitutional rights, “is racial profiling and showing deliberate indifference” (*id.*). Such conclusory assertions fail to state any comprehensible claim on the facts presented. Therefore, in

accordance with 28 U.S.C. § 636(b)(1) and FED. R. CIV. P. 72(b)(3), the Court denies the objection and adopts the Magistrate Judge's Report and Recommendation as the Opinion of this Court. A Judgment will be entered consistent with this Opinion and Order. *See* FED. R. CIV. P. 58.

For the above reasons and because this action was filed *in forma pauperis*, this Court also certifies pursuant to 28 U.S.C. § 1915(a)(3), as recommended by the Magistrate Judge, that an appeal of this Judgment would not be taken in good faith. *See McGore v. Wrigglesworth*, 114 F.3d 601, 610-11 (6th Cir. 1997), overruled on other grounds by *Jones v. Bock*, 549 U.S. 199, 206, 211-12 (2007).

Accordingly:

IT IS HEREBY ORDERED that the Objection (ECF No. 8) is DENIED and the Report and Recommendation of the Magistrate Judge (ECF No. 7) is APPROVED and ADOPTED as the Opinion of the Court.

IT IS FURTHER ORDERED that the Complaint (ECF No. 1) is DISMISSED with prejudice pursuant to 28 U.S.C. § 1915(e)(2)(B) for the reasons stated in the Report and Recommendation and herein.

IT IS FURTHER ORDERED that this Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that an appeal of this decision would not be taken in good faith.

Dated: June 20, 2019

/s/ Janet T. Neff

JANET T. NEFF
United States District Judge